



September 13, 2024

VIA ECF

The Honorable Dale E. Ho
U.S. District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. M/Y Amadea, No. 23-cv-9304 (DEH)

Dear Judge Ho:

We represent Claimants in the above-reference action. We write to request a protective order relating to the deposition of a witness, [REDACTED], noticed by the government on September 4, 2024 that is scheduled to take place in Florida on September 24, 2024, merely to permit Claimants to attend this deposition remotely. The deposition of the witness, [REDACTED], is currently scheduled to take place in Florida on September 24, just a few days after we are scheduled to be on an Island off the coast of Scotland for the deposition of another witness that the government just advised us on Wednesday would take place there on September 20, 2024. The government issued a subpoena to compel Mr. [REDACTED] testimony, and has the authority to dictate the method and terms of the taking of his deposition. When we asked simply to be able to attend the deposition remotely—as the parties have already done in a deposition that took place yesterday, and with another remote deposition scheduled tomorrow—we expected both the government and Mr. Hruska to quickly agree. However, according to the government, Andrew Hruska, counsel for Mr. [REDACTED], is refusing to permit Claimants' counsel to appear for his deposition remotely, and the government is deferring to Mr. Hruska's refusal. The government compelling Claimants to traverse from Scotland to Florida just three days apart on less than two-weeks' notice is unduly burdensome.¹

A few points on this deposition. First, [REDACTED] was not included on the government's list of individuals likely to have discoverable information that the government may use to support its claims in this case that the government served on May 20, 2024. Currently, we have not seen a single document with Mr. [REDACTED] name on it and we have no idea what relevant information he has. According to news media, Mr. [REDACTED] appears to have some connection to Suleiman Kerimov. Second, on September 6, 2024, we asked the government to produce any documents relating to Mr. [REDACTED] as soon as possible. Yesterday, upon our request seeking an update, the government told us it intends to produce approximately 800 documents relating to Mr. [REDACTED] "quite soon." We will

¹ Claimants further wish to advise the Court that Ms. Jarusinsky is scheduled to have surgery on October 3, 2024, and has been advised by her surgeon not to travel in advance of her surgery.

Hon. Dale E. Ho, U.S.D.J.
 September 13, 2024
 Page 2

need time to review these documents. When we asked the government why they had not produced Mr. ██████ documents last week, we were told it was because the government's "paralegal was out."

Claimants' counsel emailed Mr. Hruska at 8:15 a.m. yesterday morning advising him that we needed to attend remotely. Later in the day, the government informed us that Mr. Hruska did not consent to our attendance remotely. We sought to meet and confer with Mr. Hruska, but our schedules did not align (we are in a deposition all day today), and we asked that he advise by yesterday evening whether he would consent to our appearing remotely. He has not responded. The unjustified refusal—and the government's unwillingness to dictate the terms of the deposition that it has compelled—to permit Claimants' counsel to appear remotely for this deposition appears to be an effort to stretch our resources thin as we attempt to comply with the current discovery schedule. This should not be countenanced by the Court.

As such, we request a court order permitting us to appear for this witness's deposition remotely, or that the deposition be rescheduled to a mutually acceptable date when our lawyers can travel to Florida.

Respectfully submitted,

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Dale E. Ho
 United States District Judge
 Dated: September 18, 2024
 New York, New York